

**Live Database**  
**U.S. District Court – Eastern District of Tennessee (Greeneville)**  
**CIVIL DOCKET FOR CASE #: 2:05-cv-00240**

Southern Appalachian Biodiversity Project et al v. United States  
Forest Service et al  
Assigned to: District Judge R Leon Jordan  
Cause: 05:552 Freedom of Information Act

Date Filed: 09/15/2005  
Date Terminated: 06/26/2007  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**Southern Appalachian Biodiversity  
Project**

represented by **R Stephen Doughty**  
Hubbard, Berry, Doughty, Harris & Barrick  
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**LEAD ATTORNEY**  
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**Stephen H Novak**  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Wild South**

represented by **R Stephen Doughty**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Rachel S Doughty**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Stephen H Novak**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**United States Forest Service**

represented by **Loretta S Harber**  
U S Department of Justice (Knox USAO)  
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Email: [loretta.harber@usdoj.gov](mailto:loretta.harber@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Dale Bosworth**

*in his official capacity as Chief of the  
United States Forest Service*

represented by **Loretta S Harber**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
09/15/2005	<u>1</u>	COMPLAINT against United States Forest Service and Dale Bosworth in his official capacity as Chief of the United States Forest Service (Filing fee \$ 250.00 received, receipt # G2000013) , filed by Southern Appalachian Biodiversity Project and Wild South. Magistrate Judge Dennis H Inman designated for all pretrial matters. (Attachments: # <u>1</u> Civil Cover Sheet)(FMM, ) Additional attachment(s) added on 9/15/2005 – Notice of Lawsuit and Request for waiver of Service of Summons (FMM, ). (Entered: 09/15/2005)
09/15/2005	<u>2</u>	MOTION for Leave to Appear pro hac vice by attorney Rachel S Doughty on behalf of Southern Appalachian Biodiversity Project and Wild South. (Fee \$60.00 paid, receipt # G2000013) (Attachments: # <u>1</u> Certificate of Good Standing from the USDC for the Western District of North Carolina at Asheville, NC)(FMM, ) (Entered: 09/15/2005)
09/16/2005	<u>3</u>	ORDER GRANTING Doc. <u>2</u> Motion for Leave to Appear pro hac vice by attorney Rachel S Doughty on behalf of the plaintiffs . Signed by Judge Dennis H Inman on 9/16/05. (FMM, ) (Entered: 09/16/2005)
11/14/2005		Summons Issued as to United States Forest Service, Dale Bosworth, &U. S. Atty General. (RET) (Entered: 11/14/2005)
12/29/2005		SUMMONS Returned Executed by Southern Appalachian Biodiversity Project. Dale Bosworth served on 11/21/2005. (Doughty, Rachel) PDF deleted, filed wrong – Modified on 12/29/2005 (RET, ). (Entered: 12/29/2005)
12/29/2005	<u>4</u>	SUMMONS Returned Executed by Southern Appalachian Biodiversity Project. United States Forest Service served on 11/21/2005; US Attorney General served on 11/25/2005; US Attorney served on 11/28/2005. (Doughty, Rachel) Modified on 12/29/2005 (RLC, ). (Entered: 12/29/2005)
12/30/2005	<u>5</u>	First MOTION for Extension of Time to File Answer <i>or Response to Plaintiffs' Complaint</i> by United States Forest Service, Dale Bosworth. (Harber, Loretta) (Entered: 12/30/2005)
01/02/2006	<u>6</u>	AMENDED COMPLAINT against all defendants all defendants., filed by Southern Appalachian Biodiversity Project.(Doughty, Rachel) (Entered: 01/02/2006)
01/02/2006	<u>7</u>	NOTICE by Southern Appalachian Biodiversity Project re <u>6</u> Amended Complaint (Doughty, Rachel) (Entered: 01/02/2006)
01/03/2006	<u>8</u>	ORDER GRANTING Doc. <u>5</u> Defendant's Motion for Extension of Time until January 30, 2006 within which to respond re Doc. <u>1</u> Plaintiff's Complaint . Signed

		by Judge Dennis H Inman on 1/3/2006. (FMM, ) (Entered: 01/03/2006)
01/03/2006	<u>2</u>	NOTICE by Southern Appalachian Biodiversity Project <i>OF INCORPORATION OF ATTACHMENTS TO FIRST AMENDED COMPLAINT</i> (Attachments: # <u>1</u> Exhibit #1 Project Proposal# <u>2</u> Exhibit # 2 Comments# <u>3</u> Exhibit # 3 FOIA Request# <u>4</u> Exhibit #4 Speaks Letter# <u>5</u> Exhibit #5 Jacobs Letter# <u>6</u> Exhibit # 6 Administrative Appeal# <u>7</u> Exhibit # 7 WildLaw Status Request Letter# <u>8</u> Exhibit # 8 WildLaw Status Request Letter 2# <u>9</u> Exhibit #9 Status Letter June 10# <u>10</u> Exhibit #10 Response (July 13)# <u>11</u> Exhibit #11 Del Confirm Card)(Doughty, Rachel) (Entered: 01/03/2006)
02/07/2006	<u>10</u>	MOTION for Extension of Time to File Answer <i>Eight Days Out of Time</i> by United States Forest Service, Dale Bosworth. (Attachments: # <u>1</u> Defendants' Proffered Answer)(Harber, Loretta) (Entered: 02/07/2006)
02/08/2006	<u>11</u>	ORDER GRANTING Doc. <u>10</u> Defendant's Motion for Extension of Time to Answer eight days after the expiration of the period for filing the same . Signed by Judge Dennis H Inman on 2/8/2006. (FMM, ) (Entered: 02/08/2006)
02/08/2006	<u>12</u>	ANSWER to Complaint by United States Forest Service, Dale Bosworth.(Harber, Loretta) (Entered: 02/08/2006)
02/09/2006	<u>13</u>	NOTICE of Hearing: Scheduling Conference set for 3/29/2006 02:30 PM. (Attachments: # <u>1</u> Notice of Availability of Magistrate Judge# <u>2</u> Sample Scheduling Order)(EBM, ) (Entered: 02/09/2006)
03/21/2006	<u>14</u>	NOTICE CANCELLING <u>13</u> 3/29/06 Scheduling Conference. A briefing schedule will issue. (EBM, ) (Entered: 03/21/2006)
03/30/2006	<u>15</u>	STIPULATION <i>re: Proposed Briefing Schedule</i> by United States Forest Service. (Attachments: # <u>1</u> proposed Order setting briefing schedule)(Harber, Loretta) (Entered: 03/30/2006)
04/04/2006	<u>16</u>	ORDER that defendants shall file their dispositive motion on or before June 16, 2006; plaintiffs shall file their opposition and/or cross-motion within thirty (30) days thereafter; and further opposition or replies shall be filed in accordance with LR 7.1, Pleadings and Motions.Signed by Judge J Ronnie Greer on 4/4/2006. (FMM, ) (Entered: 04/04/2006)
06/15/2006	<u>17</u>	First MOTION for Extension of Time to File <i>Summary Judgment Motion</i> by United States Forest Service, Dale Bosworth. (Harber, Loretta) (Entered: 06/15/2006)
06/16/2006	<u>18</u>	ORDER granting <u>17</u> Motion for Extension of Time to File a dispositive motion. Defendants shall file their dispositive motion on or before 7/17/06; plaintiffs shall file their opposition and/or cross-motion within 30 days thereafter.. Signed by Judge Dennis H Inman on 6/16/06. (RET) (Entered: 06/16/2006)
06/26/2006	<u>19</u>	MOTION for Leave to Appear Pro Hac Vice (Filing fee \$ 60.00 received, receipt #G2000648.) for attorney Stephen H Novak to appear on behalf of Plaintiffs, Southern Appalachian Biodiversity Project and Wild South. (Attachments: # <u>1</u> Certificate of Good Standing from the USDC for the Western District of North Carolina)(FMM, ) (Entered: 06/26/2006)
06/27/2006	<u>20</u>	ORDER granting Plaintiffs Motion <u>19</u> for the admission of Stephen H. Novak, Esq., pro hac vice in this action . Signed by Judge Dennis H Inman on 06/27/06. (KDO) (Entered: 06/27/2006)
07/13/2006	<u>21</u>	Second MOTION for Extension of Time to File <i>Summary Judgment Motion</i> by United States Forest Service, Dale Bosworth. (Harber, Loretta) (Entered: 07/13/2006)
07/14/2006	<u>22</u>	ORDER granting Defendants Motion <u>21</u> seeking a second enlargement of time within which to file a motion for summary judgment. The plaintiffs do not oppose the Motion and there is good cause for granting the extension. The defendants may have until August 16, 2006, within which to file their dispositive motion . Signed by Judge Dennis H Inman on 07/14/06. (KDO) (Entered: 07/14/2006)

08/16/2006	<u>23</u>	Third MOTION for Extension of Time to File <i>Motion for Summary Judgment and Supporting Memo</i> by United States Forest Service, Dale Bosworth. (Harber, Loretta) (Entered: 08/16/2006)
08/17/2006	<u>24</u>	ORDER GRANTING Doc. <u>23</u> Defendant's Motion for Extension of Time until August 25, 2006, within which to file a dispositive motion . Signed by Judge Dennis H Inman on 8/17/2006. (FMM, ) (Entered: 08/17/2006)
08/25/2006	<u>25</u>	Fourth MOTION for Extension of Time to File <i>Dispositive Motion</i> by United States Forest Service, Dale Bosworth. (Harber, Loretta) (Entered: 08/25/2006)
08/28/2006	<u>26</u>	ORDER GRANTING Doc. <u>25</u> Defendant's Motion for Extension of Time to respond to the plaintiff's motion for summary judgment until September 5, 2006. Signed by Judge Dennis H Inman on 8/28/2006. (FMM, ) (Entered: 08/28/2006)
09/06/2006	<u>27</u>	MOTION for Summary Judgment by United States Forest Service, Dale Bosworth. (Harber, Loretta) (Entered: 09/06/2006)
09/06/2006	<u>28</u>	MEMORANDUM in Support of Motion re <u>27</u> MOTION for Summary Judgment filed by United States Forest Service, Dale Bosworth. (Harber, Loretta) (Entered: 09/06/2006)
09/06/2006	<u>29</u>	AFFIDAVIT in Support re <u>27</u> MOTION for Summary Judgment filed by United States Forest Service, Dale Bosworth. (Attachments: # <u>1</u> Exhibit Exhibit A# <u>2</u> Exhibit Exhibit B# <u>3</u> Exhibit Exhibit C# <u>4</u> Exhibit Exhibit D)(Harber, Loretta) (Entered: 09/06/2006)
09/06/2006	<u>30</u>	AFFIDAVIT in Support re <u>27</u> MOTION for Summary Judgment filed by United States Forest Service, Dale Bosworth. (Attachments: # <u>1</u> Exhibit Exhibit A# <u>2</u> Exhibit Exhibit B# <u>3</u> Exhibit Exhibit C# <u>4</u> Exhibit Exhibit D# <u>5</u> Exhibit Exhibit E# <u>6</u> Exhibit Exhibit F# <u>7</u> Exhibit Exhibit G# <u>8</u> Exhibit Exhibit H# <u>9</u> Exhibit Exhibit I)(Harber, Loretta) (Entered: 09/06/2006)
10/03/2006	<u>31</u>	First MOTION for Extension of Time to File Response/Reply to <i>Defendants' summary judgment motion/memorandum</i> by Southern Appalachian Biodiversity Project, Wild South. (Novak, Stephen) (Entered: 10/03/2006)
10/04/2006	<u>32</u>	ORDER GRANTING Doc. <u>31</u> Plaintiff's Motion for Extension of Time to File Response/Reply re Doc. <u>27</u> Defendant's MOTION for Summary Judgment. Responses due by 11/6/2006. Signed by Judge Dennis H Inman on 10/4/2006. (FMM, ) (Entered: 10/04/2006)
11/06/2006	<u>33</u>	MOTION for Summary Judgment by Southern Appalachian Biodiversity Project, Wild South. (Novak, Stephen) (Entered: 11/06/2006)
11/06/2006	<u>34</u>	MEMORANDUM in Support of Motion re <u>33</u> MOTION for Summary Judgment and in <i>opposition to Defendant's Motion for Summary Judgment</i> filed by Southern Appalachian Biodiversity Project, Wild South. (Novak, Stephen) (Entered: 11/06/2006)
11/06/2006	<u>35</u>	AFFIDAVIT in Support re <u>33</u> MOTION for Summary Judgment <i>Exhibit 1</i> filed by Southern Appalachian Biodiversity Project, Wild South. (Novak, Stephen) (Entered: 11/06/2006)
11/06/2006	<u>36</u>	AFFIDAVIT in Support re <u>33</u> MOTION for Summary Judgment <i>Exhibit 2</i> filed by Southern Appalachian Biodiversity Project, Wild South. (Novak, Stephen) (Entered: 11/06/2006)
11/09/2006	<u>37</u>	First MOTION for Extension of Time to File Response/Reply by United States Forest Service, Dale Bosworth. (Harber, Loretta) (Entered: 11/09/2006)
11/13/2006	<u>38</u>	ORDER GRANTING Doc. <u>37</u> Defendant's Motion for Extension of Time to File Response/Reply re Doc. <u>33</u> MOTION for Summary Judgment. Responses due by 1/5/2007. Signed by Judge Dennis H Inman on 11/13/2006. (FMM, ) (Entered: 11/13/2006)
12/19/2006	<u>39</u>	Second MOTION for Extension of Time to File Response/Reply by United States Forest Service, Dale Bosworth. (Harber, Loretta) (Entered: 12/19/2006)

12/20/2006	<u>40</u>	ORDER granting <u>39</u> Defendant's Motion for Extension of Time to File Reply to Plaintiff's response to defendant's motion for summary judgment. Replies due by 1/19/2007. Signed by Judge Dennis H Inman on 12/20/2006. (FMM, ) (Entered: 12/20/2006)
01/15/2007	<u>41</u>	Third MOTION for Extension of Time to File Response/Reply by United States Forest Service, Dale Bosworth. (Harber, Loretta) (Entered: 01/15/2007)
01/16/2007	<u>42</u>	ORDER GRANTING Doc. <u>41</u> Defendants Motion for Extension of Time to File Reply to the plaintiff's response to the defendants' dispositive motion. Replies due by 1/26/2007. Signed by Judge Dennis H Inman on 1/16/2007. (FMM, ) (Entered: 01/16/2007)
01/29/2007	<u>43</u>	MOTION for Extension of Time to File Response/Reply by United States Forest Service, Dale Bosworth. (Attachments: # <u>1</u> Exhibit Defendant's Response/Reply# <u>2</u> Exhibit Turner Supp. Declaration# <u>3</u> Exhibit Ex. 1 to Turner Supp. Declaration# <u>4</u> Exhibit Ex. 2 to Turner Supp. Declaration/Revised Vaughn Index# <u>5</u> Exhibit Wyman Supp. Declaration)(Harber, Loretta) (Entered: 01/29/2007)
01/29/2007	<u>44</u>	RESPONSE in Opposition re <u>43</u> MOTION for Extension of Time to File Response/Reply filed by United States Forest Service. (Novak, Stephen) (Entered: 01/29/2007)
01/30/2007	<u>45</u>	ORDER GRANTING Doc. <u>43</u> Defendant's Motion for Extension of Time to File Response/Reply re Doc. <u>33</u> Plaintiff's MOTION for Summary Judgment. Defendants shall immediately file the response/reply. If plaintiffs wish to file a reply to the defendants' response to plaintiffs' dispositive motion, they are referred to Local Rule 7.1(c). If they wish to file a reply to the defendants' reply to plaintiffs' motion for summary judgment, plaintiffs are referred to Local Rule 7.1(d). Signed by Judge Dennis H Inman on 1/30/2007. (FMM, ) (Entered: 01/30/2007)
01/31/2007	<u>46</u>	RESPONSE to Motion re <u>33</u> MOTION for Summary Judgment <i>Defendants' Response to Plaintiff's Motion for Summary Judgment and Reply to Plaintiff's Response to Defendants' Motion for Summary Judgment</i> filed by United States Forest Service, Dale Bosworth. (Harber, Loretta) (Entered: 01/31/2007)
01/31/2007	<u>47</u>	AFFIDAVIT <i>Declaration of Sharon Turner</i> by United States Forest Service, Dale Bosworth. (Attachments: # <u>1</u> Exhibit # <u>2</u> Exhibit Revised Vaughn Index)(Harber, Loretta) (Entered: 01/31/2007)
01/31/2007	<u>48</u>	AFFIDAVIT <i>Declaration of Candace Wyman</i> by United States Forest Service, Dale Bosworth. (Harber, Loretta) (Entered: 01/31/2007)
02/22/2007	<u>49</u>	ORDER REASSIGNING CASE. Case reassigned to Judge R Leon Jordan for all further proceedings. Judge J Ronnie Greer no longer assigned to case.Signed by Judge Curtis L Collier on 2/22/07. (EBM, ) (Entered: 02/22/2007)
06/26/2007	<u>50</u>	MEMORANDUM OPINION signed by Judge R Leon Jordan on 6/25/2007. (JDH) (Entered: 06/26/2007)
06/26/2007	<u>51</u>	ORDER DISMISSING CASE signed by Judge R Leon Jordan and entered by Patricia L McNutt, Clerk of Court on 6/25/2007: Defendants' motion for summary judgment <u>27</u> is GRANTED, and plaintiffs' motion for summary judgment <u>33</u> is DENIED. This cause is DISMISSED. (JDH) (Entered: 06/26/2007)